UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,053	10/28/2003	Mikihiko Terashima	17158	5965

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EXAMINER
BITAR, NANCY

ART UNIT	PAPER NUMBER
2624	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/695,053	TERASHIMA ET AL.
	Examiner	Art Unit	
	Nancy Bitar	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 January 2007</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-5 and 7-18</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5 and 7-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All   b)☐ Some *   c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/28/03</u>.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Remarks

1.   Applicant's arguments, in the amendment filed 1-18-2007, with respect to the rejections of claims 1-19 under 35 U.S.C. 103(a) have been fully considered but are moot in view of the new ground(s) of rejection necessitated by the amendments. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kamon et al (US 2002/0116298). Claims 6 and 19 are cancelled.

Examiner Notes

2.   Examiner cites particular paragraph numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-5 and 7-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kamon et al (US 2002/0116298).

As to claim 1, Kamon et al teaches an automatic index making system for an electronic catalog (electronic catalog system 1, paragraph [0051]), comprising: an object input section configured to enter a three dimensional image object which enables generation of at least two or more different images by setting a virtual view point to read an image (The 3D data DTA and DTB are acquired through three dimensional measurement of the commercial product Q and the article for comparison R, respectively, by means of the three-dimensional input apparatus 11e, paragraph [0059]); a generated image specification section configured to output specified information (The product information DTQ is information regarding features of the commercial products Q, such as the product names and prices, paragraph [0065]); a two-dimensional image generation section configured to electronically analyze the image object entered by the object input section, based on the specified information from the generated image specification section to generate a two-dimensional thumbnail image (The

product image IMA and the comparison article image IMB are generated based

on 3D data DTA and DTB, respectively, paragraph [0058]) ; an index data

creation section configured to create index data by use of the two-dimensional

image generated by the two-dimensional thumbnail image generation section;

and an index output section configured to output an index by use of the index

data created by the index data creation section, the index including the two-

dimensional thumbnail image (based on the three dimensional data DTA, DTB,

the observation image generating part 124 generates a two dimensional image

rotated at an angle of rotation about a rotation axis designated by the rotation

calculation part 123, paragraph [0101])

As to claim 2, Kamon teaches the apparatus according to claim 1, wherein

the specified information includes presence information of one of an object in the

image object and a part of the object (product information DTQ; figure 12, in

addition to catalog information is downloaded from the server 11).

As to claim 3, Kamon teaches the apparatus according to claim 1, wherein

the specified information includes whether or not an object in the image object is

a preset spatial posture (position/size calculation part 126).

As to claim 4, Kamon teaches the apparatus according to claim 3, wherein

the spatial posture includes at least one of a front, an upper surface, a side face

and a perspective surface of the object (the image is generated while designating

the direction in which the commercial product Q is observed, it is possible to

observe the commercial product Q at various angles, and therefore, a user can

easily grasp the size of the commercial product, etc., with his or her sense, paragraph [0177] and figure 21) .

As to claims 5, 7-8, Kamon teaches the apparatus according to claim 1, wherein the image object and the two-dimensional image generation section generates at least two or more different two-dimensional images for one of the image objects (the three-dimensional data are used for generation of the images of a commercial product and an article for comparison, paragraph [0083]) and the index data creation section extracts one of the different two-dimensional images to use it as index data (one simple image GA is selected from the simple images GA and clicked in the catalogue view HG2, this simple image GA is recognized and the corresponding commercial product Q is designated, paragraph [0082])

As to claim 9, Kamon teaches the apparatus according to claim 1, wherein the two-dimensional image generation section generates at least two or more different two-dimensional images for one of the image objects, and the index data creation section creates index data corresponding to the at least two or more different two-dimensional images for one of the image objects (HG1 and HG2; figures 3-5, note that since images are displayed so that the commercial product Q can be compared with the articles for comparison R in the observation window WN1, it is easier for a user to grasp the size of the commercial product with his or her sense) .

As to claim 10, Kamon teaches the apparatus according to claim 9, wherein at least one display image size is different among the two-dimensional

images in the index data (The image size of the selected commercial product Q is compared with the pixel number in a display area, paragraph [0149], note that the user can enlarge or reduce the image).

As to claim 11, Kamon teaches the apparatus according to claim 1, wherein the two-dimensional image generation section includes a function of correcting data of at least one of the image object and a copy of the image object based on a result of electronically analyzing the image object (terminal apparatus; figure 13, note that correction is based on rotating, moving, enlarging or reducing the image).

As to claim 12, Kamon teaches the apparatus according to claim 1, wherein the image object is a three-dimensional image (DTA and DTB), and a target of the correction includes at least one of a spatial origin coordinate of the image object, inclination of a spatial coordinate axis (figure 8, coordinates X, Y, Z, and figure 22), a luminance value, a color, a coefficient of reflection, a light emission coefficient of the object, the number of polygons, an initial spatial position, and illumination conditions of the object (calculated displaying magnification (#204, #205).

As to claim 13, Kamon teaches the apparatus according to claim 1, wherein the index output section further includes a function of electronically searching an image object similar to the image object (figures 4-5).

As to claim 14, Kamon teaches the apparatus according to clam 1, wherein the index output section searches the similar image object by using a

characteristic amount of the two-dimensional image generated at the two-dimensional image generation section (The simple image data KGB similarly are image data representing the articles for comparison R used for designation of the articles for comparison R. As such simple images, two-dimensional small images (thumbnail images) may be used for example, paragraph [0065]).

As to claim 15, Kamon teaches the apparatus according to claim 1, wherein the index output section includes a function of outputting the index as a paper medium (note that a printer can be connected to the computer in order to print out the order, figure 1).

As to claim 16, Kamon teaches the apparatus according to claim 1, wherein the two-dimensional image generation section uses a recognition algorithm to recognize specific characteristics in the image object to electronically analyze the image object entered by the object input section (the comparison article image IMB is an index image which serves as an index for developing sensory recognition of the commercial product Q, paragraph [0057]).

As to claim17, Kamon teaches the apparatus according to claim 1, wherein the two-dimensional image generation section uses an algorithm to read and analyze information added to the image object entered by the object input section to electronically analyze the image object (the structure of the electronic catalog system 1B is formed by the server 11 and the like. Having such a structure, the electronic catalog system 1B realizes a functional structure as that shown in FIG. 14, paragraph [0170]).

As to claim 18, Kamon teaches the automatic index making method for an electronic catalog, comprising: entering an image object which enables generation of at least two or more different images by setting a virtual view point to read an image (This processing program is written in a language such as VRML (Virtual Reality Modeling Language) and JAVA, paragraph [0056]); outputting specified information; electronically analyzing the entered image object based on the specified information to generate a two-dimensional image (The observation image IM shown in FIG. 11 is an image which is generated based on the three- dimensional data DTA regarding the commercial product Q and the three-dimensional data DTB regarding the article for comparison R as they are at a certain time point, paragraph [0122]); creating index data by using the generated two-dimensional image; and outputting an index by using the created index data (the comparison article image IMB is an index image which serves as an index for developing sensory recognition of the commercial product Q, paragraph 0057]) .

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rising III et al. (US 6,445,834) is cited to teach a storage database images that includes different set of features modules.

Barski et al (US 4949392) is cited to teach document recognition and automatic indexing for optical character recognition

Noto et al (US 2004/0057613) is cited to teach a three dimensional image generating apparatus that includes reflective indexes based on the division of pixel in the image.

Inquiries

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nancy Bitar whose telephone number is 571-270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).
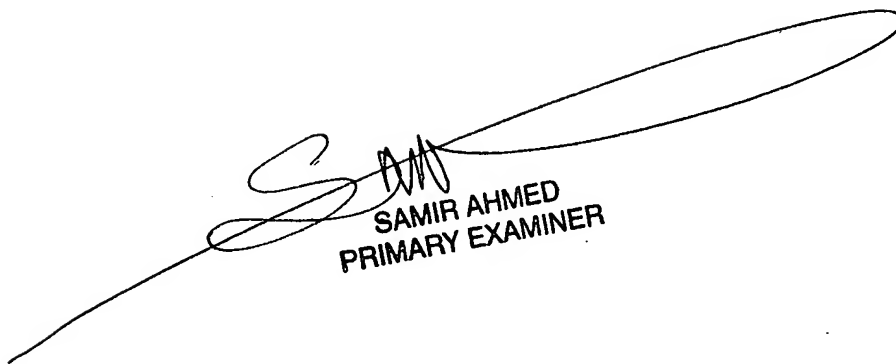
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nancy Bitar   03/28/2007

SAMIR AHMED
PRIMARY EXAMINER